

From: [Barbara Nann](#)
To: [Anne Foster](#); [Jessica Hernandez](#)
Subject: Fw: Fencing (san jacinto)
Date: 06/21/2011 12:52 PM

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----- Forwarded by Barbara Nann/R6/USEPA/US on 06/21/2011 12:52 PM -----

From: "Axe, Al" <aaxe@winstead.com>
To: 'Bill Morgan' <billmorgan@msn.com>, Barbara Nann/R6/USEPA/US@EPA, "singlin@bakerlaw.com" <singlin@bakerlaw.com>
Cc: "robmarsur@aol.com" <robmarsur@aol.com>, "Cermak, John F." <jccermak@bakerlaw.com>
Date: 06/20/2011 05:41 PM
Subject: RE: Fencing

Bill,

The Fourth Addendum to the February, 10, 2010 Consent to Access granted access to MIMC and IP (Respondents) to install a fence and gates on the Big Star property "in the locations generally depicted on the map" attached to the addendum as Exhibit 2. The fence was installed as described.

As a result of your email, we have contacted our surveyor and determined that due to an error in placement of survey stakes by the surveyor, the fence along the southern boundary of the 0.742 acre parcel on the west side of the Big Star property, extends onto the adjoining property by approximately 3 feet. The Respondents are willing to move the fence north to get it off the neighbor's property if Big Star wishes Respondents to do so. Along the northern boundary of the same parcel, the fence is located 3 feet south of the Big Star property line. Since this fenceline does not encroach upon anyone else's property, is located "as generally depicted" on Exhibit 2, and is serving the purpose for which it was constructed, Respondents do not propose to move this fence.

On the west side of the 0.742 acre parcel, the fence was installed in its current location because it could not be installed on or closer to the property line because the area may be wetlands, is covered by a thicket of trees, and contains alot of buried construction debris (eg, concrete, pipe, wood, bricks) that renders installation of a fence in this area extremely difficult and which meant that the fencing contractor



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could not drill holes to place posts in that area.

Please let me know if you have any questions. Also, if Big Star wishes the fence along the south boundary of the 0.742 acre parcel to be moved, we can arrange a time for that work to be performed. Al

Albert R. Axe, Jr.

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From: Bill Morgan [mailto:billmorgan@msn.com]

Sent: Tuesday, June 14, 2011 8:46 AM

To: Axe, Al; nann.barbara@epamail.epa.gov; singlin@bakerlaw.com

Cc: robmarsur@aol.com

Subject: RE: Fencing

A follow up regarding the erroneous placement of the fence.

When will this be corrected?

William L. H. Morgan, Jr.
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12815 Gulf Freeway
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From: billmorgan@msn.com

To: aaxe@winstead.com; nann.barbara@epamail.epa.gov; singlin@bakerlaw.com

CC: robmarsur@aol.com

Subject: Fencing

Date: Tue, 7 Jun 2011 16:12:11 -0500

It appears from the attached that your contractor did not follow the boundary lines of the property

William L. H. Morgan, Jr.
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